

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

PAUL DAVID ELKINS

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00410

ANDREW SAUL,

Commissioner of Social Security,

Defendant.

ORDER

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On April 16, 2021, Judge Tinsley submitted his Proposed Findings & Recommendation [ECF No. 17] (“PF&R”). Judge Tinsley recommends that the court **GRANT** Claimant’s request to reverse the Commissioner’s decision [ECF No. 15]; **DENY** the Commissioner’s request to affirm his decision [ECF No. 16]; **REVERSE** the final decision of the Commissioner; and **REMAND** this action for further proceedings. Neither party timely filed objections to the PF&R nor sought an extension of time.

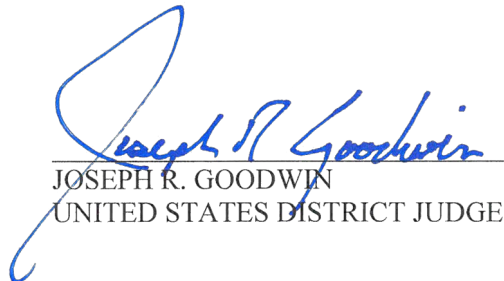
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge

as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court accepts and incorporates herein the PF&R and orders judgment consistent therewith. The court **GRANTS** Claimant's request to reverse the Commissioner's decision [ECF No. 15]; **DENIES** the Commissioner's request to affirm his decision [ECF No. 16]; **REVERSES** the final decision of the Commissioner; and **REMANDS** this action for further proceedings.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: May 6, 2021



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE